

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

July 20, 2011

Minutes

Call to Order: The Board Chairman called the meeting to order at 7:33 pm.

Open Public Meeting Act: read by the Board Secretary

Roll Call:

Present: Bill Carter, Phil Barbaro, David McCreery, Eugene Shoultz, Wayne Swanson, Nicholas Yovnello

Absent: Chuck Nicholson, Jeanne White, Ed Pearson (Robert Clark & Frank Goss-resigned)

Also present were the Board's professionals: Leah Furey Bruder, Planner, Carl Gaskill, Board Engineer and Joan Adams, Board Solicitor.

➤ **Announcements:**

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.

➤ **Approval of minutes:**

- **June 15, 2011, Regular Business meeting**

Mr. Shoultz moved to approve the minutes of June 15, 2011. Seconded by Mr. McCreery. Mayor Barbaro abstained. With all other members in favor, the motion was carried.

➤ **Resolutions:**

2011-15- resolution to deem "incomplete" the application for a minor site plan to construct a 3200 square foot pole barn and two picnic pavilions on common property owned by Lake Garrison, identified as block 49 lot 2 and block 45 lot 8.

Mr. Carter moved to adopt resolution 2011-14, Seconded by Mr. Swanson.

Roll Call:

In favor: Carter, McCreery, Shoultz, Swanson

Against: None Abstain: None 4-0-0

➤ **Old Business:**

Continued from June 15, 2011, Completeness Hearing for Lake Garrison, minor site plan for pole barn and two pavilions, Buck Road, block 49, lot 2, block 45, lot 8

The applicant is represented by attorney John Alice, 28 Cooper Street, Woodbury, NJ 08096

The following individuals were sworn in:

William Gilmore, PE, 213 Cherry Tree Court, Franklinville, NJ

Dave Kleinschmidt, Lake Garrison Board President, 4 Clearview Avenue, Glassboro, NJ

Jim Sparks, Lake Garrison Board Member, 144 Unionville Road, Glassboro, NJ

Board Planner, Leah Bruder commented from a planning prospective and there were a few items she would like to see but recommended they be waived for the purposes of completeness and those items would be a condition of approval. Some checklist items were deferred to the board engineer.

Mr. Gaskill added one outstanding item remains and the applicant's engineer acknowledges it in his letter to the board dated July 12, 2011. Item number 11 *"source and date of current or re-certified property survey prepared and sealed by a registered NJ Land surveyor (prepared or certified within the last 1 year)"*

Mr. Gaskill explained there is a pavilion proposed to be constructed on lot 8, which borders the Lake and is a separate tax map lot. The concern at the last meeting was whether or not a variance is required because of its proximity to that lot line. (By ordinance a 50 foot set back from all property lines is required and this would not comply.) On Lake Garrison's deed, lot 11 does not describe the lake as a separate tract. The tax map depicts the lake as a separate lot (lot 11). The applicant is researching this discrepancy. A variance for the 720 sq ft pavilion may be required.

Mr. Alice explained his clients did explore the possibility of conducting a Title search but the cost was prohibitive. Therefore they will ask for the variance. Mrs. Bruder added that recently (within the last 2 years) amended zoning for the RR district and the setbacks were intended to be set from the perimeter property boundary not the interior lot line because Lake Garrison owns a number of lots (9). So the standards for buildings within the development setbacks between buildings, (similar to a condo, where they own the unit, but not the land) there was no intention to have setbacks from internal their own internal property lines. The variance, in this case, doesn't mean anything because both lots are owned by the same people (Lake Garrison). Board Attorney, Joan Adams, added the public notice included language that would include this variance request. She further added, the setback requirements are really designed to preserve a sense of open air, light and space between structures and this setback is from the lake. Mr. Gaskill added, from the basis they are requesting a variances, there are no further issues.

Chairman Yovnello moved to deem the application "complete." Seconded by Mayor Barbaro.

Roll Call:

In favor: Carter, Barbaro, McCreery, Yovnello, Shoultz, Swanson

Against: None Abstain: None 6-0-0`

Public Hearing for Lake Garrison, minor site plan for pole barn and two pavilions, Buck Road, block 49, lot 2, block 45, lot 8

Proper public notice was given and those sworn at the first hearing continue to be under oath to provide testimony.

Mr. Alice summarized, the applicant proposes to construct a 3200 sq ft pole barn and 2 pavilions along with the demolition of an existing building. Bill Gilmore explained the pole barn will be placed in the location of the existing office building. He further explained the adjacent 20 foot by 14 foot garage will remain and will be used to store lawn equipment. Upon completion of the pole barn, all equipment and materials that are currently stored in the existing office and two overhead storage areas on the lot will be moved to the pole barn, and those three structures will be removed. The main purpose of the pole barn is to store the recreation equipment protecting them from weather. The two pavilions, one will be 1000 sq ft and be constructed on the adjacent lot along with a 720 sq ft Pavilion approximately 8 ft from the edge of the bulk heard.

Mr. Klienschmidt testified the pole barn would be used to store paddle boats, row boats, kayaks, canoes (and trash cans during the off season). The pavilions are for the business. They are rented out to the public and the pavilion will allow visitors to stay longer. No utilities are proposed in either pavilion. The pole barn will have electric.

Mrs. Burder referred to her letter of July 18, 2011 and went over the following items that had not previously been addressed:

- 1 Letter of interpretation from NJDEP - The applicant agreed to provide an LOI as a condition of any approval.
- 2 Silt Fence – Mrs. Bruder requested the silt fence be relocated to insure that the trees being preserved will be inside the fence, the applicant agreed.

2. Trash enclosure – the applicant testified that the existing fenced trash enclosure would remain unchanged and that the existing trash and recycling facilities were adequate.
3. Septic – applicant confirmed the location of the septic and that it does not need to be relocated. In addition, the applicant agreed to submit the County Department of Health certification that the existing onsite septic system is adequate for the additional office and pavilion use.
4. Utilities – overhead wires. The overhead low hanging wires will be removed. These low hanging wires are of a concern for emergency vehicles. The Applicant confirmed that all wires would be strung at least 13 feet above ground and set to permit clearance for ambulances and other emergency vehicles. Township emergency response personnel will review and approve the placement of the overhead wires. Further, the pavilions will not have electricity or other utilities.
5. Landscaping – the applicant agreed to plant a mix of evergreens in front of the proposed pole barn. The planting design will be submitted to the Board Planner for review and approval.

Mr. Gaskill referred to his review letter of June 10, 2011 and reminded the applicant that the following would be required:

1. Soil Erosion approval from the county, applicant agreed.
2. County septic approval, applicant agreed.
3. Grading plan - the applicant will submit the grading design in the package to the Construction office as part of the permit process. If the grading is not correct the construction office may refuse to issue the certificate of occupancy for the structures. The applicant agreed.

Mrs. Bruder commented that Block 49 Lot 2 and Block 45 Lot 8 are both owned by Lake Garrison Homeowners and both are located within the RR Recreation Residential zoning district, which is intended to recognize the Lake Garrison recreational resort community. Lake Garrison own many lots and the Lake Area encompasses approximately 116 acres and includes approximately 110 cottage sites. This district permits accessory uses incidental to and commonly provided for the exclusive use of occupants in resort cottages or the general membership such as sheds, garages, pavilions, and playground equipment. The purpose of the RR district indicates that the regulations for the district encourage the maintenance of a viable seasonal community. This proposal appears to be consistent with the intent and purpose of the RR district and will not significantly intensifying the overall land use. From a planning standpoint, the variance is justified as a simple technical necessity.

Mr. Shoultz moved to open to the public, Seconded by Mr. Swanson. With all members in favor, the motion was carried.

With no comment from the public, ***Mr. Shoultz moved to close to the public, seconded by Mr. McCreery. With all members in favor, the motion was carried.***

Chairman Yovnello moved to grant the bulk variance setback to permit the pavilions to be located within 8 feet of the lot line to the lake. Seconded by Mr. Swanson.

Roll Call:

In favor: Carter, Barbaro, McCreery, Shoultz, Swanson, Yovnello

Against: None Abstain: None 6-0-0`

Chairman Yovnello moved to grant Minor Site plan approval to erect a pole barn and two pavilions, condition upon all the items outlined in the professional's review letters, all required outside agency approvals and all representations made before the board at this hearing and further condition upon the LOI being submitted prior to the issuance of building permits. The board agreed no bond would be required due to the small nature of the application. Seconded by Mayor Barbaro.

Roll Call:

In favor: Carter, Barbaro, McCreery, Shoultz, Swanson, Yovnello

Against: None Abstain: None 6-0-0`

➤ **General Public Portion**

Mr. Yovnello moved to open to the public, Seconded by Shoultz. With all members in favor, the motion was carried.

With no comment from the public, Mayor Barbaro moved to close to the public, seconded by Mr. Carter. With all members in favor, the motion was carried.

➤ **Correspondence:** none

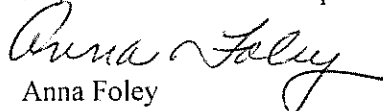
Mr. Pearson moved to recommend to committee that the Township Solicitor be permitted to make the change and definition addition. Seconded by Mr. Goss. With all members in favor, the motion was carried.

➤ **Adjournment:**

Mayor Barbaro moved to adjourn, Seconded by Mr. Shoultz.

With all members in favor, the motion was carried.

Adjournment time: 8:22 pm



Anna Foley
Board Secretary